

**Andover Conservation Commission Meeting Minutes
November 2, 2010**

Town of Andover
36 Bartlett Street
3rd Floor Conference Room
8:00pm

Conservation Commission Members in Attendance:

Chairman Donald Cooper, Commissioner Alix Driscoll, Commissioner Gail Ralston and Commissioner Jon Honea. Staff Members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

3 Blueberry Hill Circle

Present in Interest: Steve Stapinski,

Staff Recommendation: Approve as Pos.2a, Pos.2b, Neg.3 and Neg.6

Public Meeting on the Request for Determination of Applicability filed to determine if the abandonment of septic system and tie into town sewer is subject to the Massachusetts Wetlands Protection Act.

Agent Cleary presented this to the Commission. The filing is complete and the filing is under the WPA only. No waivers are requested or necessary. The Proposed work complies with our regulation setbacks. Unauthorized fill has been removed from the BVW and the BVW is reestablishing itself. There is to be no encroachment of lawn area into the BVW. Staff is in agreement with the flagging, except that Flag 3A should be tied into Flag 5A due to vegetation. Bounds to be installed at the tree line prior to commencement of work.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to Approve as Pos 2a confirming flags 1A, 2A, 3A, 5A, 6A, 7A, 8A, 9A, 10A, 11A, 12A, 13A, and 14A, Pos.2b not confirming Flag 4A-3A should be tied into Flag 5A), Neg. 3 with bounds to be installed prior to commencement of work and Neg.6. The Motion was seconded by Commissioner Driscoll and unanimously approved.

20 Highland Avenue**Present in Interest: Jack Sullivan and Norman Gress***Staff Recommendation: Approve as Pos. 2a and Neg.3*

Public Meeting on the Request for Determination of Applicability filed to determine if the construction of a one story addition and the relocation of a patio is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The filing is complete and under the WPA only. Waivers are requested for the 50 foot setback, as the project is only 30.5 feet from the wetland. There are only spot elevations on the plan. This is a pre-existing, nonconforming lot. The existing patio to be removed and placed on the back side of the home. The addition will be built on sona tubes on the previously disturbed septic area. Permanent markers to be placed along planting line and infiltration is needed. Commissioner Driscoll requested additional plantings for mitigation for the waiver request with staff to determine the plants and locations.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to Approve the Waiver, it was seconded by Commissioner Ralston and unanimously approved. Commissioner Driscoll made a Motion to Approve as Pos.2a, and Neg.3, it was seconded by Commissioner Ralston and unanimously approved.

9 Lancaster Place**Present in Interest: Douglas Doscocil and Cynthia Weeks***Staff Recommendation: Approve as Neg.3*

Public Meeting on the Request for Determination of Applicability filed to determine of the replacement of existing driveway is subject to the Massachusetts Wetlands Protection Act.

Agent Cleary presented this to the Commission. The filing is complete and under the WPA only. No waivers have been requested as the project meets our setback requirements. This is a "Backyard Project". The site is located in Fish Brook Watershed Protection Overlay District. The proposed work is reclaiming down to the packed gravel but within the same dimensions of the existing driveway. Erosion control to be placed at the base of the driveway and there is to be no stockpiling of material on site.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to Approve as Neg.3, it was seconded by Commissioner Driscoll and unanimously approved.

25 Noel Road**Present in Interest: Richard Tinegarter***Staff Recommendation: Approve as Neg.3*

Public Meeting on the Request for Determination of Applicability filed to determine if the replacement of existing subsurface disposal system is subject to the Massachusetts Wetlands Protection Act.

Agent Cleary presented this to the Commission. The filing is complete and under the WPA only. No waivers are requested as the septic upgrade complies with our setback regulations. The exiting stonewall at the current edge of lawn acts as a berm. Therefore, the line of erosion control can be reduced in length. Agent will determine on site with contractor prior to commencement of work.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to Approve as Neg.3, it was seconded by Commissioner Ralston and unanimously approved.

103 Chestnut Street**Present in Interest: Steve Stapinski and Anthony Sakakeeny***Staff Recommendation: Positive Determination (Denial)*

Public Meeting on the Request for Determination of Applicability filed to determine if the construction of an addition and an attached garage is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The work for this project is within the Riverfront. No alternative analysis has been provided and no calculation of build out. The project consists of removal of an existing garage and moving the placement of the garage and an addition. The entire lot is in the resource area. The Commission usually requires a Notice of Intent, which would require an alternative analysis and calculations to determine if the project is within the 10% area of riverfront. Mr. Stapinski informed the Commission that no work would be conducted within the flood plain, there would be some grading on the right side of the house and the garage will be built on the existing grade. The addition can only be built in the back due to the constrictions on the side lot lines. There will be an underground drywell and both the addition and garage will have gutters to infiltrate the runoff.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion for a Positive Determination, it was seconded by Commissioner Ralston and unanimously approved.

28 Riverina Road**Present in Interest: Steve Stapinski and Todd Mayo***Staff Recommendation: Approve*

Public Meeting on the Request for Determination of Applicability filed to determine if the construction of an addition is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The project consists of a 14 x 12 addition on 6 x 6 pressure treated columns which will be further away from the River, but still within the flood plain. There is a compensation area of 2.14 cubic feet. The house is between the river and the addition. The river is across the street which puts this outside the 100 foot river front area.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to Approve as drafted by Staff, it was seconded by Commissioner Driscoll and unanimously approved.

209 North Main Street**Present in Interest: Steve Stapinski***Staff Recommendation: Approve as Neg.3*

Public Meeting on the Request for Determination of Applicability filed to determine of the installment of 2 new sanitary sewer discharges and grease traps is subject to the Massachusetts Wetlands Protection Act.

Agent Cleary presented this to the Commission. The filing is complete and subject to the WPA only. Waivers are needed for relief of tree line and soil features, existing and proposed landscaping and distances from buildings to wetlands. The application complies with our regulation setbacks. A small portion of the proposed work is within 50 feet of the Riverfront area. The installation of a grease trap is a tremendous improvement to site conditions at Shawsheen Plaza. There will be no change in site elevations in the flood plain. Sewer lines to be installed and repaved in the same elevation. Work is occurring on a previous disturbed area within the Riverfront. The tree line is behind the chain link fence.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to Approve the Waivers and Approve the project as Neg. 3, it was seconded by Commissioner Driscoll and unanimously approved.

**Burton Farm Drive
Tanglewood Way
Parnassus Place
Present in Interst: Morris Gray**

Staff Recommendation: Approve as Neg.3

Public Meeting on the Request for Determination of Applicability filed to determine if the installation of 4,000 feet of 8" ductile irons water main, water service and fire hydrants is subject to the Massachusetts Wetlands Protection Act.

Agent Cleary presented this to the Commission. The filing is complete and under the WPA only. The Applicant has provided a request for waiver letter for plan requirements. Waivers requested for this long linear project are as follows:

1. Property dimensions
2. Existing and proposed topographical contours
3. Tree line
4. Delineation of resource areas
5. Existing and proposed landscaping
6. Offsets for 25 foot non-disturb and 50 foot no build
7. Distances from buildings to resource areas.

The long, linear installation and/or replacement of the watermain is in existing roadway. During the site visit, there is evidence of numerous watermain breaks. Agent will work with DPW on placement of erosion control prior to commencement of work.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to approve the waivers, it was seconded by Commissioner Driscoll and unanimously approved. Commissioner Ralston made a Motion to Approve as Neg.3, it was seconded by Commissioner Driscoll and unanimously approved.

**1 Mortimer Drive
Present in Interest: Dwight Cooper, Maureen Hanley**

Staff Recommendation: Continue for site visit

Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act for the proposed extension of a deck and landscape work. In this instance, the subdivision was approved pre-Bylaw, but the house was built in 2000. If this is in fact pre-Bylaw, the 15 foot setback applies. The project proposes to extend the deck by 3 feet and enclose it as a sun porch. The lawn area is up to the tree line. The Applicant would like to eliminate some lawn area and add plantings.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to continue to November 30, 2010 at 8:15pm for purposes of a site visit by the Commission and to review the by-law, it was seconded by Commissioner Driscoll and unanimously approved.

ACTION ITEMS:

47 Glenwood Road

Staff Recommendation: No action (Actioned by Commission on October 19, 2010)

Request for cessation of reports.

CONSENT AGENDA:

7 Connector Road

Request for a Certificate of Compliance

10 Gould Road

Request for a Certificate of Compliance

Powdermill – 5 Stevens Street 188, 190, 194, 196, 198 North Main Street

Request for a Certificate of Compliance

Commissioner Ralston made a Motion to Approve the Consent Agenda, it was seconded by Commissioner Driscoll and unanimously approved.

DISCUSSION ITEMS:

Phillips Academy

Present in Interest: Sandy Brock, Ron Johnson and Shawn Smith

Commissioners Alix Driscoll and Gail Ralston recused themselves from this discussion.

To help control the flooding at Rabbit Pond, the drain line will be replaced and a new outlet control to drop the level of the pond manually will be installed. This will allow for flood storage. The outlet control will be moved onto Phillips Property. The pipe carrying the flow into the Town system will be repaired.

INFORMATION ITEMS THAT MAY REQUIRE A VOTE

2 Wildrose Drive

Present in Interest: Doug Ahern and Don Borenstein

DEP upheld the Commission's decision on wetland boundary. While the wetland line decision was on appeal to DEP, clearing and demolition occurred. The site is in the Fish Brook WPOD and may contain Riverfront. The Applicant was permitted to demo the existing dwelling only which was outside the 100 foot buffer zone but was told by both of the Commission's agents, that a Notice of Intent would need to be filed under the By-Law. The Applicant is declaring a self-declared exemption under the By-Law. There was a verbal agreement between the parties to cease & desist, but work continued.

The Applicant has agreed to file an abbreviated Notice of Intent now that DEP has ruled. All of the work done was outside the jurisdictional areas.

Commissioner Ralston made a Motion to issue the Enforcement Order to cease & desist all work, it was seconded by Commissioner Driscoll and unanimously approved.

Overseer for Conservation Ridge (Foster's Pond)

Vote to approve Robert M. Dalton, Jr. as overseer for the Conservation Commission for Foster's Pond.

Commissioner Ralston made a Motion to Approve the Appointment and forward his name to the Selectmen for approval, it was seconded by Commissioner Driscoll and unanimously approved.

MBTA Right-of-Way

Continued Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act for the proposed construction of double track installation, track rehabilitation, signal and power cable installation within the existing MBTA Right-of-Way from north of the Andover Commuter Rail Station at Ballardvale north to the Andover/Lawrence town lines.

Continued from October 5, 2010 to address environmental problems. Town Manager and Commission would like a Public Hearing on abutters concerns. Flooding and stormwater management issues to be addressed.

Subcommittee for replacement Commissioner

The subcommittee chose Kevin Porter, who has a background in biology and is employed by a conservation non-profit.

Commissioner Driscoll made a Motion to Approve the Appointment, it was seconded by Commissioner Ralston and unanimously approved.

The next meeting will be held at 7:45pm on November 16, 2010.

The meeting was adjourned at 10:10pm by Motion of Commissioner Ralston, seconded by Commissioner Honea and unanimously approved.

Respectfully submitted by:

**Lynn Viselli,
Recording Secretary**